

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE CENTURY FOUNDATION,

Plaintiff,

v.

BETSY DEVOS, *in her official capacity*, and  
the UNITED STATES DEPARTMENT OF  
EDUCATION,

Defendants.

No. 18-cv-1128-PAC

**DECLARATION OF ALEXANDER ELSON**

I, Alexander Elson, pursuant to 28 U.S.C. § 1746, hereby declare:

1. I am a member of the bar of the State of New York and the United States District Court for the Southern District of New York. I am submitting this declaration in my capacity as counsel of record for plaintiff, The Century Foundation (“TCF”) in the above captioned matter.

2. I am over the age of 18, have personal knowledge of the facts set forth herein, and, if called and sworn as a witness, could and would testify competently hereto.

3. On February 13, 2018, this Court signed an Order to Show Cause for Preliminary Injunction and Temporary Restraining Order (“Show Cause Order”) in the above captioned matter, which ordered Plaintiff to serve a signed copy of the Show Cause Order, together with the papers on which it is based, as well as the Summons and Complaint, before the close of business on Wednesday, February 14, 2018. The Show Cause Order was subsequently entered on the docket for this case as Dkt. No. 14.

4. On February 14, 2018, I spoke to Jeffrey Oestericher, the Civil Chief of the U.S. Attorney's Office for the Southern District of New York. Mr. Oestericher agreed to accept service of additional documents by electronic mail. At approximately 11:34 AM on February 14, 2018, I sent Mr. Oestericher an email providing him with as-filed copies of the Order to Show Cause (Dkt. No. 14) and the materials submitted in support of that Order (Dkt. Nos. 15-17). In that email, I confirmed that Mr. Oestericher was accepting service by electronic mail and asked that he contact me with any questions or to discuss further.

5. Also on February 14, 2018, I caused to be served by hand the same documents I had emailed to Mr. Oestericher, *i.e.*, Dkt. Nos. 14-17, on the United States Attorney General at 950 Pennsylvania Avenue, N.W., Washington D.C. and the Office of the General Counsel for the United States Department of Education. The affidavits reflecting the service of these materials will be electronically filed contemporaneously with the filing of this declaration.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on February 16, 2017.

  
Alexander Elson